

REMARKS

Claims 1-16 are currently pending in the present application, with Claims 1, 3, 10 and 12-14 being amended. Reconsideration and reexamination of the claims, as amended and as added, are respectfully requested.

The Examiner rejected Claims 3, 4, 7, 10, and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Examiner indicated, at page 2 of the Office Action, that” the specification does not disclose a storage device to store timing data specifying timing of reading out the second audio data as claimed. There appears to be just one control device and not two as claimed.”

Applicants respectfully point the Examiner’s attention to 24-27 of the present application. Specifically, page 24, lines 1-20 of the present application disclose a process of a first control device of assigning a selected waveform data file to any one of pads 27, wherein the waveform data file is stored at a corresponding location in a pad RAM 16. The process of a second control device is described at page 25, line 16 to page 27, line 27, which disclose a process of pressing a REC key 26 that starts the recording of the operating conditions of pads 27a-27c (including the recording of the timing of the pad depressions). The first and second control devices thus are disclosed in the specification as performing different processes. Applicants therefore respectfully submit that Claims 3, 4, 7, 10, and 16 are well supported by the specification under 35 U.S.C. § 112, paragraph 1, and are not indefinite or vague under 35 U.S.C. § 112, second paragraph.

The Examiner rejected Claims 12-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner indicated that the computer readable medium is improperly recited in the claims. Applicants have amended Claims 12-14 and respectfully submit that the amended claims are in compliance with 35 U.S.C. § 112.

Claims 1, 3, and 10 have been amended to correct minor informalities.


In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. An amendment after final is respectfully requested to be entered, as the amendments do not present any new matter requiring new search.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Deputy to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032027800.

Respectfully submitted,

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